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BY CM/ECF & HAND DELIVERY

The Honorable Lewis A. Kaplan
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: ***Telecom Business Solution, LLC, et al. v. Terra Towers Corp., et al.,***
No. 22-cv-01761

Your Honor:

We represent petitioners Telecom Business Solution, LLC and LATAM Towers, LLC (collectively, “Peppertree”), and AMLQ Holdings (Cay), Ltd. (“AMLQ,” together with Peppertree, “Peppertree/AMLQ”) in the above-captioned action.¹ Pursuant to SDNY ECF Rule 13.1, Peppertree/AMLQ hereby respectfully request that the Court schedule a status conference in this Action on an urgent basis to address extreme misconduct and flagrant violations of Your Honor’s prior judgments by the Arbitration Respondents that are escalating by the day, including: (i) collaterally attacking the Arbitration in foreign proceedings notwithstanding this Court ordering them to withdraw such proceedings; (ii) pursuing false criminal charges in Latin America based on allegations previously rejected by Your Honor that have resulted in the false imprisonment and incarceration of the Company’s CEO and his father; and (iii) causing the publication of false news articles on disinformation websites and direct communications to investors falsely accusing Peppertree of bribing the Tribunal and ICDR and “rigging” the Arbitration against them.

The Court has already confirmed all four partial final awards issued in the Arbitration thus far: (i) ordering a sale of the Company after the Arbitration Respondents intentionally breached

¹ This action arises from an arbitration administered by the International Centre for Dispute Resolution (“ICDR”) of the American Arbitration Association (“AAA”) captioned *Telecom Business Solution, LLC, et al. v. Terra Towers Corp., et al.*, AAA/ICDR Case No. 01-21-0000-4309 (the “Arbitration”) and presided over by a panel of three highly qualified and experienced arbitrators (the “Tribunal”). The Arbitration is pending among Peppertree/AMLQ, Continental Towers LATAM Holdings Limited (the “Company”), and respondents Terra Towers Corp. and TBS Management, S.A. (collectively, “Terra”), respondent and Terra affiliate DT Holdings, Inc. (“DTH”) and together with Terra, “Terra/DTH”), Terra/DTH’s controller Jorge Hernandez (“Hernandez”), and past and present Terra-designated directors of the Company Alberto Arzu (“Arzu”), Alejandro Sagastume (“Sagastume”), and William Mendez (“Mendez” and together with Hernandez, Arzu, and Sagastume, the “Terra Directors” and together with Terra/DTH, the “Arbitration Respondents”). Terra is the majority shareholder of the Company together with minority shareholders Peppertree and AMLQ.

their contractual obligation to facilitate a sale (ECF No. 124); (ii) restoring the Company's CEO to his position after the Arbitration Respondents tried to oust him (ECF No. 207); (iii) ordering them to withdraw foreign arbitration proceedings collaterally attacking the Tribunal's awards and this Court's orders (ECF No. 182); and (iv) ordering them to pay costs for their lawless initiation of those collateral attacks (ECF No. 202). But the Arbitration Respondents have refused to comply with any of these judgments and have escalated their defiance to a new level in recent weeks, forcing Peppertree/AMLQ to move the Court for an anti-suit injunction and for civil contempt sanctions. *See* ECF No. 243 (the "Motion").

Specifically, and as set forth in more detail in the brief in support of the Motion, the Arbitration Respondents have instituted multiple new improper foreign proceedings in which they procured *ex parte* orders that are in direct conflict with this Court's judgments, and, most egregiously, have had **the CEO of the Company jailed in Guatemala**. To be sure, the incarceration of the CEO is not the independent act of a foreign sovereign, but the exact result that Hernandez and the Arbitration Respondents have long threatened and pursued in manufactured criminal proceedings that they initiated and maintained, notwithstanding the Tribunal's findings, confirmed by this Court, that those proceedings were baseless. Most recently, as part of their clear efforts to obstruct justice, the Arbitration Respondents attempted to use these despicable circumstances to attack Peppertree, the Tribunal, and the ICDR directly, sending an "anonymous" email to investors that falsely accused Peppertree of multiple violations of criminal law and of bribing the Tribunal and the AAA/ICDR.

All of this comes on the eve of the issuance of the Tribunal's fifth partial final award (the "5PFA")—which could hold Hernandez and Terra/DTH jointly and severally liable for the hundreds of millions of dollars in damages they have caused to Peppertree/AMLQ and the Company—in a transparent and appalling effort to preemptively undermine the Tribunal and violate the orders of this Court.

Absent expeditious and forceful relief and sanctions from this Court, the Arbitration Respondents' wrongful conduct will only continue to escalate, causing irreparable harm to Peppertree/AMLQ and the Company. Accordingly, the Court should schedule a status conference to determine an expedited procedure for addressing the Motion, as well as a petition to confirm the forthcoming 5PFA.

We thank the Court for its consideration of this request.

Respectfully submitted,

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Counsel for AMLQ Holdings (Cay), Ltd.

CC: All Counsel of Record

/s/ Michael N. Ungar
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